

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 568/91

Transfer Application No:

DATE OF DECISION: 4.8.1994

Shri V.V.Nair

Petitioner

None

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri S.C.Dhawan

Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B.S.Hegde, Member (J)

The Hon'ble Shri M.R.Kolhatkar, Member (A)

1. To be referred to the Reporter or not ?
2. Whether it needs to be circulated to other Benches of the Tribunal ?

M.R. Kolhatkar  
(M.R. KOLHATKAR)

MEMBER (A)

B.S. Hegde  
(B.S. HEGDE)

MEMBER (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

OA.NO. 568/91

Shri V.Vasudevan Nair ... Applicant  
v/s.  
Union of India & Ors. ... Respondents

CORAM: Hon'ble Member (J) Shri B.S.Hegde  
Hon'ble Member (A) Shri M.R.Kolhatkar

Appearance

None for the Applicant

Shri S.C.Dhawan  
Advocate  
for the Respondents

ORAL JUDGEMENT

Dated: 4.8.1994

(PER: B.S.Hegde, Member (J))

The petition was taken out from Sine-die list on 6.1.1994 and notice was issued to the applicant on 18.3.1994.

2. The applicant had earlier filed an application No. TA.480/86 and the Tribunal by its order dated 4.11.1987, had come to the conclusion that keeping in view the law laid down by the Supreme Court in the case of Ramchandar vs. Union of India (A.I.R. 1986(2) S.C. 252), the respondents be directed to pass a reasoned order after giving a personal hearing to the applicant. Pursuant to the Tribunal's order dated 4.11.1987, the respondents gave a personal hearing to the applicant and thereafter passed the order dated 22.3.1988 considering that the penalty of Removal from Service was rather excessive and therefore reduced the same to that of Compulsory Retirement. In this OA, he has not challenged the respondents' order dated 22.3.1988. The relief claimed in this OA, is rather vague and general

terms praying that the Tribunal may direct the respondents to pay to the applicant all monetary benefits due to him on his compulsory retirement from service with effect from 20.12.1970 and also pension with retrospective effect.

3. The respondents in the reply have urged that the application is barred by limitation and the same may be dismissed in limine. Pursuant to the direction of the Tribunal, the appellate authority considered the representation of the applicant and gave a reasoned reply vide their letter dated 17.8.1988 stating that he is not entitled to any pension. In fact, the applicant was paid all the dues under the S.R.P.F. Rules which he has accepted without any protest. They further submit, that the change of nature of penalty from removal from service to compulsory retirement does not in any way change the nature of settlement. In the circumstances, we see no merit in the application and the same is dismissed.

*M.R. Kolhatkar*

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(M.R.KOLHATKAR)  
MEMBER (A)

*B.S. Hegde*

(B.S.HEGDE)  
MEMBER (J)

mrj.